

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tessa Yesselman	Team: Squad #4	CCRB Case #: 201904632	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/14/2019 9:30 PM	Location of Incident: Clinton Avenue and East Tremont Avenue	Precinct: 48	18 Mo. SOL 11/14/2020	EO SOL 7/1/2021	
Date/Time CV Reported Wed, 05/22/2019 7:39 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 05/29/2019 11:32 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Franklin Bonilla	3444	943010	048 PCT
2. POM Dharlyn Vasquez	30173	955625	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Franklin Bonilla	Abuse: Police Officer Franklin Bonilla stopped the vehicle in which § 87(2)(b) and an individual were occupants.	
B.POM Dharlyn Vasquez	Abuse: Police Officer Franklin Bonilla stopped the vehicle in which § 87(2)(b) and an individual were occupants.	
C.POM Dharlyn Vasquez	Abuse: Police Officer Dharlyn Vasquez questioned § 87(2)(b)	
D.SGT Franklin Bonilla	Abuse: Sergeant Franklin Bonilla frisked § 87(2)(b)	
E.SGT Franklin Bonilla	Abuse: Sergeant Franklin Bonilla searched the vehicle in which § 87(2)(b) and an individual were occupants.	
F.SGT Franklin Bonilla	Abuse: Sergeant Franklin Bonilla searched § 87(2)(b)	

Case Summary

On May 22, 2019, § 87(2)(b) filed this complaint with IAB (log 2019-20215) (**01 Board Review**). On May 29, 2019, this case was received by the CCRB. § 87(2)(b) filed this complaint on behalf of herself, her boyfriend § 87(2)(b) and an unidentified individual, hereafter referred to as CV1.

On May 14, 2019, at approximately 9:30 p.m., § 87(2)(b) and CV1 were driving in a rented U-Haul truck in the area of Clinton Avenue and East Tremont Avenue in the Bronx. Police Officer Dharlyn Vasquez and Sergeant Franklin Bonilla, both of the 48th Precinct, stopped the U-Haul (**Allegation A and Allegation B: Abuse of Authority**, § 87(2)(g)). PO Vasquez asked if there were guns or weapons inside of the vehicle (**Allegation C: Abuse of Authority**, § 87(2)(g)). Sgt. Bonilla asked § 87(2)(b) to step out of the vehicle and then frisked her (**Allegation D: Abuse of Authority**, § 87(2)(g)). Sgt. Bonilla then searched the U-Haul and § 87(2)(b) backpack, which was inside of the vehicle (**Allegation E and Allegation F: Abuse of Authority**, § 87(2)(g)).

No arrests were made or summons issued.

There is no video evidence regarding this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Franklin Bonilla stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (B) Abuse of Authority: Police Officer Dharlyn Vasquez stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (C) Abuse of Authority: Police Officer Dharlyn Vasquez questioned § 87(2)(b)

Allegation (D) Abuse of Authority: Sergeant Franklin Bonilla frisked § 87(2)(b)

Allegation (E) Abuse of Authority: Sergeant Franklin Bonilla searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

Allegation (F) Abuse of Authority: Sergeant Franklin Bonilla searched § 87(2)(b)

§ 87(2)(b) (**02 Board Review**) stated that on May 14, 2019, at approximately 9:30 PM, she was in the front passenger seat of a rented U-Haul driven by § 87(2)(b). Her friend, CV1, was in the rear of the U-Haul. CV1's name is § 87(2)(b). § 87(2)(b) declined to provide his government name. § 87(2)(b) and CV1, had done a moving job in upstate New York using the U-Haul earlier that day, and were more immediately coming from a deli located at Clinton Avenue and East Tremont Avenue, one block away. All three occupants had exited the U-Haul to go inside the deli and all three re-entered the U-Haul after going to the deli. Nobody else entered or exited the vehicle. § 87(2)(b) observed flashing lights behind the U-Haul, signaling the U-Haul to pull over. § 87(2)(b) pulled over and Sgt. Bonilla and PO Vasquez exited the police vehicle and approached the U-Haul. PO Vasquez approached the front driver's window and Sgt. Bonilla approached the front passenger window. PO Vasquez asked if there were guns or weapons in the vehicle, and then instructed § 87(2)(b) and CV1 to exit the vehicle. § 87(2)(b) could not see what § 87(2)(b) and CV1's interaction was with PO Vasquez after they exited the U-Haul. § 87(2)(b) told Sgt. Bonilla that there was "nothing" in the U-Haul. Sgt. Bonilla instructed § 87(2)(b) to exit the vehicle, and then proceeded to pat her waistband, legs, and arms. Sgt. Bonilla told § 87(2)(b) to stand at the rear of the vehicle with PO Vasquez, § 87(2)(b) and CV1. Sgt. Bonilla opened the front and rear passenger doors and looked inside of the van. § 87(2)(b) could not see specifically what he did inside of the van. Sgt. Bonilla emerged from the van with § 87(2)(b).

§ 87(2)(b)'s mini backpack, looked inside the bag, and put his hand inside the bag. § 87(2)(b) did not see him remove any items from the bag. Sgt. Bonilla put the bag back inside of the U-Haul, and the officers walked back to their vehicle and left.

§ 87(2)(b) (**03 Board Review**) provided a telephone statement to the investigation but declined to provide a verified statement. § 87(2)(b) stated that he was driving a U-Haul with § 87(2)(b) and CV1. CV1's name is § 87(2)(b). § 87(2)(b) declined to provide his last name. Two officers stopped the U-Haul. § 87(2)(b) recognized the officers as PO Vasquez and Sgt. Bonilla because they are frequently in the neighborhood and he has interacted with them multiple times in the past. The officers said that they wanted to know if there was a gun in the U-Haul, and told everyone to get out of the vehicle. One of the officers searched the U-Haul, but § 87(2)(b) did not remember which. § 87(2)(b) did not see any officer frisk § 87(2)(b).

Sgt. Bonilla (**05 Board Review**) and PO Vasquez (**04 Board Review**) provided consistent testimony. Both officers stated that they did not stop the U-Haul, ask if there was a gun in the U-Haul, search the U-Haul or § 87(2)(b)'s bag, and did not frisk § 87(2)(b). Both officers stated that they did not otherwise interact with § 87(2)(b) or § 87(2)(b) on the incident date. Both officers were off duty at the time of this incident. PO Vasquez's end time was 8:35 PM. Sgt. Bonilla's end time was 6:57 PM. Neither officer worked overtime. Both Sgt. Bonilla and PO Vasquez are familiar with § 87(2)(b) and stated that he is a known person in the 48th Precinct for being involved in narcotics related activities. PO Vasquez has previously arrested § 87(2)(b). PO Vasquez is familiar with § 87(2)(b) and stated that she is known to him for being § 87(2)(b)'s girlfriend. Sgt. Bonilla was not familiar with § 87(2)(b).

A request for a warrant audit for § 87(2)(b) and § 87(2)(b) from May 14, 2019, returned negative results (**09 Board Review**).

Sgt. Bonilla (**11 Board Review**) and PO Vasquez's (**10 Board Review**) memo books show that their tours ended at 6:57 PM and 8:35 PM respectively.

The Resource Recap Log does not show any activity from Sgt. Bonilla or PO Vasquez during the entirety of Tour 3 (**08 Board Review**).

§ 87(2)(g)
§ 87(2)(g)
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Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been party (**12 Board Review**).
- This is the first CCRB complaint to which § 87(2)(b) has been party (**13 Board Review**).
- Sgt. Franklin has been a member of service for thirteen years and has been a subject in four previous CCRB complaints and eleven allegations, none of which were substantiated. § 87(2)(g)

- PO Vasquez has been a member of service for six years and has been a subject in six previous CCRB cases and thirty-nine allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]
- As of November 14th, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this complaint (**06 Board Review**).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date